

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 11672 of 2004

Between:

- 1 A.Dinanath, S/o M.Ananth Ram,
R/o 17(B) (old) 19-3-161/1 (New) East Marredpally, S.D.Road, Secunderabad.
- 2 S.Krupal Singh Yadav, S/o M.Shambu Singh,
R/o 17(B) (old) 19-3-161/1 (New) East Marredpally, S.D.Road, Secunderabad.
- 3 Trilok Singh Yadav, S/o M.Eshwarlal,
R/o 17(B) (old) 19-3-161/1 (New) East Marredpally, S.D.Road, Secunderabad.
- 4 E.Ashok, S/o M.Eshwar Lal,
R/o 17(B) (old) 19-3-161/1 (New) East Marredpally, S.D.Road, Secunderabad.
- 5 Ram Singh, S/o M.Babulal,
R/o 17(B) (old) 19-3-161/1 (New) East Marredpally, S.D.Road, Secunderabad.

..... PETITIONER(S)

AND

- 1 The Commissioner, Endowments Department, Andhra Pradesh, Tilak Road, Hyderabad.
- 2 The Dy.Commissioner, Endowmennts Department, Hyderabad.
- 3 The Asst.Commissioner of Twin Cities, Endowments Department at Hyderabad.
- 4 Pahadi Hanuman Temple, 10-5-413, North Lalaguda, Secunderabad, rep.by its

Manager/
person in Managment.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the proceedings dated 21-11-2002 in Proc.No.M4/5381/02 on the file of the first respondent herein and the consequential Tender cum Auction Notice dated 3-6-2004 issued by the fourth respondent in seeking to auction the property admeasuring 5172 sq.yards and 2177 sq.yds in TS No.1, Old Sy.No.844/3, Ward No.132, J Block, No. b situated at North Lalaguda, Secunderabad, belonging to the fourth respondent temple as illegal, arbitrary and contrary to the provisions of A.P.Charitable And Hindu Religious Institutional & Endowments Act

Counsel for the Petitioner:MR.K.RAGHUVeer REDDY

Counsel for the Respondents 1 to 3: GP FOR ENDOWMENTS

Counsel for respondent No.4 : Mr. K. Ravi.

The Court made the following:

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ORDER:

Heard both sides and at their request this Writ Petition is taken up for disposal.

Petitioners herein, claiming to be the descendants of one Ch. T. Maun Singh who was the Founder-President of the fourth respondent Temple, filed this Writ

Petition inter alia, seeking Writ of Mandamus challenging the proceedings dated 21.11.2002 issued by the first respondent herein and also the consequential Tender-cum-Auction Notice dated 3.6.2004 issued by the 4th respondent to auction the property admeasuring 5172 sq.yards and 2177 sq.yards in T.S.No. 1, Old S.No. 844/3, Ward No. 132, J Block, situated at North Lallaguda, Secunderabad is bad and illegal.

The case of the petitioners in short is that the land in question is in possession of their grand father and he developed the temple with the personal funds of their late grand father. However, now the respondents are trying to sell away the part of the property on the ground that the land fetches income for the temple, therefore, there is absolutely no justification for selling such land. Hence, the present Writ Petition.

In the counter affidavit filed by the respondents, it is stated that it is only with a view to augment the funds for the purpose of maintenance of temple, the property was sought to be sold and there is no illegality in proceeding with the auction.

I have heard the submissions made by both the counsel and also perused the material available on record.

It is no doubt true that the petitioners' grandfather is the founder of the said Temple and the only objection raised is with regard to auction of the part of the open land to augment the funds for the purpose of maintenance of the temple. No doubt, respondents had issued a notification in the newspapers, but however, petitioners submit that they are not aware of the same.

Thus by taking into consideration all the claims raised by the petitioners, it would suffice in the interests of justice, if a direction is given to the petitioners to file comprehensive objections before the respondents, which can be considered by the respondents before any such decision is taken for conducting the said auction.

Accordingly, the Writ Petition is allowed and the entire impugned proceedings are set aside. Petitioners are permitted to file a representation mentioning all comprehensive objections, within a period of four weeks from today before the first respondent. On receipt of such representation, the first respondent shall consider the same and pass appropriate orders in accordance with law after giving an opportunity to the petitioners.

Ka 27.10.2004

That Rule Nisi has been made absolute as above.

Witness the Hon'bel Sir Devinder Gupta, the Chief Justice on this Wednesday the Twenty Seventh of October to thousand and four.

To

- 1 The Commissioner, Endowments Department, Andhra Pradesh, Tilak Road, Hyderabad.
- 2 The Dy.Commissioner, Endowments Department, Hyderabad.
- 3 The Asst.Commissioner of Twin Cities, Endowments Department at Hyderabad.
- 4 Pahadi Hanuman Temple, 10-5-413, North Lalaguda, Secunderabad, rep.by its Manager/
person in Management.
5. 2CCs to G.P. for Endowments , High Court Buildings, High Court of A.P., Hyderabad. (out)

6. 2CD copies